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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,493	02/06/2004	Frank Litjens	120465-3	6639

25743 7590 12/07/2006
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EXAMINER

MCCREARY, LEONARD

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,493

Applicant(s)

LITJENS ET AL.

Examiner

Leonard J. McCreary, Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-18,20-31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-18,20-31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing-sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 20-21 stand objected to because of the following informalities: They depend from cancelled claim 19. For examination purposes, Examiner assumes claims 20-21 depend from amended claim 17. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 9-10, and 12-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by EP 588,176 to Hongo et al. Hongo discloses a pad for use in an air bag device comprising the following:

- a. An instrument panel (page 2, line 4) comprising: a thermoplastic base substrate 13 (page 2, lines 5-6) having a first surface and a second surface; at least one tear seam notch 19 formed into said first surface of said base substrate; at least one consolidated area 19, 118 formed into said second surface of said base substrate, said at least one consolidated area aligned with said at least one tear seam notch; at least one hinge area H comprising an area of low consolidation wherein a thickness of said base substrate at said low

consolidation area is greater than a thickness of said base substrate at said at least one consolidation area, said at least one tear seam notch and said at least one hinge area defining at least one airbag door (Fig. 3) (claim 1.)

b. A width of said at least one consolidated area is equal to or greater than a width of said at least one tear seam notch (Fig. 2) (claims 1, 10.)

c. Each consolidation area comprises a transition portion located around the periphery of each consolidation area (Fig. 2) (claims 3, 12.)

d. Said transition portion comprises a radius of curvature (Fig. 2) (claims 4, 13.)

e. A base substrate 4 is compression molded into a predetermined shape of said instrument panel (Figs. 1-3) (claims 5, 14.)

f. A thickness of said base substrate at said hinge low consolidation area is greater than a thickness of said base substrate at an area adjacent said hinge area (Fig. 1) (claim 9.)

g. An instrument panel and an airbag 15, said air bag positioned adjacent said instrument panel (Fig. 1), said instrument panel comprising: a thermoplastic base substrate having a first surface and a second surface, said air bag positioned adjacent said second surface of said base substrate; at least one tear seam notch formed into said first surface of said base substrate; at least one consolidated area formed into said second surface of said base substrate, said at least one consolidated area aligned with said at least one tear seam notch; at least one hinge area comprising an area of low consolidation wherein a thickness

of said base substrate at said low consolidation area is greater than a thickness of said base substrate at said at least one consolidation area, said at least one tear seam notch and said at least one hinge area defining at least one airbag door, said tear seam notch configured to open when said airbag deploys permitting said airbag to deploy through said instrument panel (claim 10.)

3. Re claims 1, 5, 10, and 14, the method of forming the apparatus is not germane to the issue of patentability of the apparatus itself. Therefore, the limitations of "pressed" and "compression molded" have not been given patentable weight since those limitations do not impart a structural difference from an apparatus that is molded using comparable known processes widely used in the automotive industry, such as injection molding and vacuum molding.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-25, and 29-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over EP 588,176 to Hongo et al. in view of GB 2,263,667 to Karlsson et al. The disclosure of Hongo is discussed above. Hongo does not teach compression molding. Karlsson discloses a method of manufacturing covers for vehicle airbags and teaches compression molding.

Art Unit: 3616

Re claim 22-25 and 29-30, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the air bag pad of Hongo to include the compression molding method of manufacture as taught by Karlsson so as to incorporate reinforcing fibers into the thermoplastic to impart greater strength to the cover (page 2, lines 20-26.)

6. Claims 6-8 and 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over EP 588,176 to Hongo et al. in view of U.S. 5,728,342 to Wirt et al. The disclosure of Hongo is discussed above. Hongo further discloses multiple layers, as shown in Figs. 4 and 6, but Hongo does not teach an intermediate and outer layer as claimed. Wirt discloses a method of manufacturing an invisible instrument panel airbag door and teaches the following:

- h. An intermediate layer 46 adjacent said first surface of said base substrate 38, said intermediate layer comprising a resilient material (column 4, line 29) (claims 6, 15, 26.)
- i. The resilient material comprises a foam material (column 4, line 29) (claim 7.)
- j. An outer layer 48 adjacent said intermediate layer (claim 8.)
- k. An outer layer 48 adjacent said intermediate layer, said at least one tear seam notch 28 is not visible through said outer layer before deployment of said airbag (Fig. 6) (claim 16.)

Art Unit: 3616

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the airbag pad of Hongo by constructing the cover of multiple layers including a resilient foam intermediate layer and an outer finish layer to hide tear seams as taught by Wirt so as to improve the overall aesthetics of the cover (column 1, lines 9-14.)

Claims 17-18, 20-21, 26-28, 31, and 33-37 stand rejected under 35

U.S.C. 103(a) as being unpatentable over EP 588,176 to Hongo et al. in view of GB 2,263,667 to Karlsson et al., and further in view of U.S. 5,728,342 to Wirt et al. The disclosures of Hongo, Karlsson, and Wirt are discussed above. Hongo does not teach compression molding the cover, nor the use of an intermediate or an outer layer as claimed, nor a hidden tear seam. Karlsson discloses a method of manufacturing an airbag cover and teaches a base substrate 4 is compression molded into a predetermined shape of said instrument panel (Figs. 1-3) so as to incorporate reinforcing fibers into the thermoplastic to impart greater strength to the cover (page 2, lines 20-26.) Wirt discloses a cover for an airbag and teaches the following in order to improve the aesthetic appearance and feel of an instrument panel (column 1, lines 9-14):

- l. An intermediate layer 46 adjacent said first surface of said base substrate 6, said intermediate layer comprising a resilient material (column 4, line 34.)
- m. The resilient material comprises a foam material (column 4, line 34.)
- n. An outer layer 48 adjacent said intermediate layer.

- o. An outer layer 48 adjacent said intermediate layer, said at least one tear seam notch 28 is not visible through said outer layer before deployment of said airbag (Fig. 6.)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the airbag pad of Hongo to include the compression molding method of manufacture as taught by Karlsson so as to incorporate reinforcement fibers and thus increase the strength of the cover, and further, it would have likewise been obvious to modify the airbag pad of Hongo by constructing the cover of multiple layers including a resilient foam intermediate layer and an outer trim layer and to hide tear seams as taught by Wirt so as to improve the overall aesthetic feel and appearance, respectively, of the cover.

Response to Arguments

- 7. Applicant's arguments filed 4 October 2006 have been fully considered but they are not persuasive.
- 8. Re claims 1, 10, 22, and 32, Applicant argues Hongo fails to teach Applicant's apparatus. Examiner disagrees and notes that the width of the consolidated area is not clearly defined in the context of the current application. The root width of the consolidated area shown in Hongo Figure 2 is equal to the root width of the tear seam, and therefore anticipates Applicant's claims 1 and 10.
- 9. Re claim 17, Applicant argues Wirt fails to teach or suggest at least one consolidated area aligned with said at least one tear seam notch. Examiner notes claim

17 was originally rejected under 35 USC 102 as anticipated by Wirtz *and* under 35 USC 103 as being obvious in light of the disclosure of Hongo in view of Karlsson and further in view of Wirt. The disclosure of Hongo is discussed throughout the previous Office Action and clearly shows at least one consolidated area aligned with said at least one tear seam notch.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leonard J. McCreary, Jr.
Examiner
Art Unit 3616



DAVID R. DUNN
PRIMARY EXAMINER